APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,028	01/12/2001	Stuart Berkowitz	6684376000004	1857

24739   7590   05/29/2008
CENTRAL COAST PATENT AGENCY, INC
3 HANGAR WAY SUITE D
WATSONVILLE, CA 95076

EXAMINER
DUONG, THOMAS

ART UNIT	PAPER NUMBER
2145	

MAIL DATE	DELIVERY MODE
05/29/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.</td><td>Applicant(s)</td><td></td></tr>
<tr><td>09/760,028</td><td>BERKOWITZ ET AL.</td><td></td></tr>
<tr><td></td><td>Examiner</td><td>Art Unit</td><td></td></tr>
<tr><td></td><td>Thomas Duong</td><td>2145</td><td></td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 February 2008</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-41</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-41</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>03 January 2005</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Request for Continued Examination

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR

1.17(e) has been timely paid, the finality of the previous Office action has been

withdrawn pursuant to 37 CFR 1.114.

2.   Amendment received February 26, 2008 has been entered into record. *Claims 1-41*

remain pending.

Response to Amendment

3.   This office action is in response to the Applicants' Amendment filed on February 26,

2008. Applicant amended *claim 27*. *Claims 1-41* are presented for further consideration

and examination.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

5.   _Claims 1-5, 12-16, and 27-29_ are rejected under 35 U.S.C. 103(a) as being unpatentable

over Dunn et al. (US005999612A), in view of Has et al. (US006230137B1), further in

view of Desai et al. (US 20030078779A1), and further in view of Vander Molen

(US004520576).

6.   With regard to _claim 1_, Dunn discloses,

    - _a first connection port to allow a speech-based conversation to occur over the_

        home-based broadband connection to the Internet network; (Dunn, col.2, lines

        16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2)

        Dunn discloses, _"our solution is provide a special server/gateway for broadband_

        networks, such as cable television networks, and unique adapters for residences

        served by these networks. In its preferred form, our adapter is a card internally

        installed in a computer. In addition to the computer, this adapter connects to the

        PSTN, the broadband network (or a modem connecting to that network), and one

        or more telephones" (Dunn, col.2, lines 16-22). Hence, Dunn teaches of a

        computer that includes an adapter containing ports for connecting to the Internet

        through either the broadband network of the service provider or through the

        public switched telephone network (PSTN).

    - _a second connection port to allow a speech-based conversation to occur over a_

        public switched telephone network (PSTN); and (Dunn, col.2, lines 16-27, lines

        32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2)

        Dunn discloses, _"our solution is provide a special server/gateway for broadband_

        networks, such as cable television networks, and unique adapters for residences

        served by these networks. In its preferred form, our adapter is a card internally

installed in a computer. In addition to the computer, this adapter connects to the

PSTN, the broadband network (or a modem connecting to that network), and one

or more telephones" (Dunn, col.2, lines 16-22). Hence, Dunn teaches of a

computer that includes an adapter containing ports for connecting to the Internet

through either the broadband network of the service provider or through the

public switched telephone network (PSTN).

However, Dunn does not explicitly teaches,

- *a plurality of* <u>*speech engines that recognize speech*</u> *and synthesize speech to*
  allow the speech-based conversations to occur <u>*over the first connection port and*</u>
  <u>*the second connection port.*</u>

Has teaches,

- *a plurality of* <u>*speech engines that recognize speech*</u> *and synthesize speech to*
  allow the speech-based conversations to occur <u>*over the first connection port and*</u>
  <u>*the second connection port.*</u> (Has, col.1, line 15 – col.14, line 50)

  Has discloses, *"a first device for inputting at least two speech signals designating*

  the operating functions and/or the components of the household appliance; a

  second device, operatively connected to the first device, for recognizing the

  operating functions and/or the components designated by the speech signals; a

  third device, for converting the speech signals, after being recognized, into a

  given control command to operate the household appliance" (Has, col.2, line 67 –

  col.3, line 7). Hence, Has teaches of system with a second device (i.e.,

  Applicants' speech engine) for recognizing (i.e., Applicants' recognize) the

  operating instructions and/or components designated by the speech signals (i.e.,

  Applicants' speech). Has discloses, *"The speech signal recognition is preferably*

carried out in a speaker-independent manner. However, it can also be carried out

in a speaker-dependent manner in particular in a speaker-group-dependent

manner. The speech of adults exhibits speech characteristics which distinguish

them from the speech characteristics of children. In this embodiment of the

household appliance according to the invention, children can be excluded from

actuating the household appliance" (Has, col.5, line 66 – col.6, line 6) and *"The*

speech signal recognition is preferably carried out in a speaker-independent

manner, but the speech signal recognition can also be carried out in a speaker-

dependent manner through the use of the second device 41, so that it becomes

possible to authorize only specific persons, for example only the adult members

of a household, to actuate the household appliance" (Has, col.9, lines 53-59).

Hence, Has implies the use of multiple speech engines capable of distinguishing

speech characteristics of children from adults so that children can be excluded

from actuating the household appliances.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of

the invention was made to combine the teachings of Has with the teachings of Dunn

"to provide a household appliance which overcomes the above-mentioned

disadvantages of the heretofore-known appliances of this general type and which

provides a simple, reliable, and rapid speech-controlled operation for the household

appliance" (Has, col.2, lines 10-14) *"by allowing for seamless and effective*

integration of telephone services into cable networks and/or other broadband

networks" (Dunn, col.2, lines 11-13); through the use of a central computer that

includes an adapter containing ports for connecting to the Internet through either the

broadband network of the service provider or through the public switched telephone network (PSTN).

However, Dunn and Has do not explicitly teaches,

- *a plurality of speech engines that recognize speech and synthesize speech to allow the speech-based conversations to occur over the first connection port and the second connection port.*

Desai teaches,

- *a plurality of speech engines that recognize speech and synthesize speech to allow the speech-based conversations to occur over the first connection port and the second connection port.* (Desai, para.1-255)

Desai discloses, *"These are a set of COM+components that encapsulate hardware devices and speech recognition engines. Once the applications are written using these interfaces, they can be ported easily from one hardware device to another or from one recognition engine to another by simply replacing the corresponding HeyAnita Speech Object"* (Desai, para.64). Hence, Desai teaches of multiple of speech engines (i.e., Applicants' plurality of speech engines that recognize speech and synthesize speech). Desai discloses, *"HeyAnita uses its proprietary technology and easy to use interface to create an informative and entertaining environment to attract and retain a large and loyal user base. In addition to its easily brandable name and concept, HeyAnita offers the most comprehensive array of voice enabled services and allows phone users to access the Internet in multiple languages. Appendix B sets forth some of the application features possible with the inventive HeyAnita system"* (Desai, para.50) and *"Multiple Language Support: HeyAnita Voice Platform has been*

designed to support international languages. Any application written on HeyAnita Voice Platform can be localized in any international language without any code changes" (Desai, para.60). Hence, Has implies the use of multiple speech engines capable of distinguishing speech characteristics of different users in different languages.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Desai with the teachings of Dunn and Has *"to provide a household appliance which overcomes the above-mentioned disadvantages of the heretofore-known appliances of this general type and which provides a simple, reliable, and rapid speech-controlled operation for the household appliance"* (Has, col.2, lines 10-14) *"by allowing for seamless and effective integration of telephone services into cable networks and/or other broadband networks"* (Dunn, col.2, lines 11-13); through the use of a central computer that includes an adapter containing ports for connecting to the Internet through either the broadband network of the service provider or through the public switched telephone network (PSTN). Desai discloses, *"The present invention relates to voice-based interactive user interfaces, particularly to interactive voice response systems, and more particularly to interactive voice response systems for accessing information from a computer network via remote telephony devices"* (Desai, para.3).

However, Dunn, Has, and Desai do not explicitly teaches,

- *a plurality of speech engines that recognize speech and <u>synthesize speech to allow the speech-based conversations to occur over the first connection port and the second connection port.</u>*

Vander Molen teaches,

- *a plurality of speech engines that recognize speech and <u>synthesize speech to allow the speech-based conversations to occur over the first connection port and the second connection port.</u>* (Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)

   Vander Molen discloses, *"the basic components of the system comprise a speech recognition module 50, a speech synthesis module 52, a master control microcomputer 53 and the appliance control system 56"* (Vander Molen, col.4, lines 2-6). Hence, Vander Molen teaches of a system that includes a speech recognition module as well as a speech synthesis module.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Vander Molen with the teachings of Dunn, Has, and Desai to provide a conversational voice command control system *"household appliance which overcomes the above-mentioned disadvantages of the heretofore-known appliances of this general type and which provides a simple, reliable, and rapid speech-controlled operation for the household appliance"* (Has, col.2, lines 10-14) *"by allowing for seamless and effective integration of telephone services into cable networks and/or other broadband networks"* (Dunn, col.2, lines 11-13); through the use of a central computer that includes an adapter containing ports for connecting to the Internet through either the broadband network of the service provider or through the public switched telephone network (PSTN).

7.   With regard to <u>claim 27</u>, Dunn discloses,

- *communicating with a first communication device located on the Internet network so that a speech-based conversation can occur over the home-based connection to the Internet network;* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2)

  Dunn discloses, *"our solution is provide a special server/gateway for broadband networks, such as cable television networks, and unique adapters for residences served by these networks. In its preferred form, our adapter is a card internally installed in a computer. In addition to the computer, this adapter connects to the PSTN, the broadband network (or a modem connecting to that network), and one or more telephones"* (Dunn, col.2, lines 16-22). Hence, Dunn teaches of a computer that includes an adapter containing ports for connecting to the Internet through either the broadband network of the service provider or through the public switched telephone network (PSTN).

- *communicating with a second communication device located on a public switched telephone network (PSTN) so that the speech-based conversation can occur over the public switched telephone network; and* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2)

  Dunn discloses, *"our solution is provide a special server/gateway for broadband networks, such as cable television networks, and unique adapters for residences served by these networks. In its preferred form, our adapter is a card internally installed in a computer. In addition to the computer, this adapter connects to the PSTN, the broadband network (or a modem connecting to that network), and one or more telephones"* (Dunn, col.2, lines 16-22). Hence, Dunn teaches of a computer that includes an adapter containing ports for connecting to the Internet

through either the broadband network of the service provider or through the
public switched telephone network (PSTN).

However, Dunn does not explicitly teaches,

- *recognizing speech* and synthesizing speech with a plurality of speech engines *to
  allow the speech-based conversation to occur over the Internet network and the
  public switched telephone network;*

- *wherein the recognizing of speech includes an understanding of speech.*

Has teaches,

- *recognizing speech* and synthesizing speech with a plurality of speech engines *to
  allow the speech-based conversation to occur over the Internet network and the
  public switched telephone network;* (Has, col.1, line 15 – col.14, line 50)

- *wherein the recognizing of speech includes an understanding of speech.* (Has,
  col.1, line 15 – col.14, line 50)

  Has discloses, *"a first device for inputting at least two speech signals designating
  the operating functions and/or the components of the household appliance; a
  second device, operatively connected to the first device, for recognizing the
  operating functions and/or the components designated by the speech signals; a
  third device, for converting the speech signals, after being recognized, into a
  given control command to operate the household appliance"* (Has, col.2, line 67 –
  col.3, line 7). Hence, Has teaches of system with a second device (i.e.,
  Applicants' speech engine) for recognizing (i.e., Applicants' recognize) the
  operating instructions and/or components designated by the speech signals (i.e.,
  Applicants' speech). Has discloses, *"The speech signal recognition is preferably
  carried out in a speaker-independent manner. However, it can also be carried out*

in a speaker-dependent manner in particular in a speaker-group-dependent

manner. The speech of adults exhibits speech characteristics which distinguish

them from the speech characteristics of children. In this embodiment of the

household appliance according to the invention, children can be excluded from

actuating the household appliance" (Has, col.5, line 66 – col.6, line 6) and *"The*

speech signal recognition is preferably carried out in a speaker-independent

manner, but the speech signal recognition can also be carried out in a speaker-

dependent manner through the use of the second device 41, so that it becomes

possible to authorize only specific persons, for example only the adult members

of a household, to actuate the household appliance" (Has, col.9, lines 53-59).

Hence, Has implies the use of multiple speech engines capable of distinguishing

speech characteristics of children from adults so that children can be excluded

from actuating the household appliances.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of

the invention was made to combine the teachings of Has with the teachings of Dunn

"to provide a household appliance which overcomes the above-mentioned

disadvantages of the heretofore-known appliances of this general type and which

provides a simple, reliable, and rapid speech-controlled operation for the household

appliance" (Has, col.2, lines 10-14) *"by allowing for seamless and effective*

integration of telephone services into cable networks and/or other broadband

networks" (Dunn, col.2, lines 11-13); through the use of a central computer that

includes an adapter containing ports for connecting to the Internet through either the

broadband network of the service provider or through the public switched telephone

network (PSTN).

However, Dunn and Has do not explicitly teaches,

- *recognizing speech and synthesizing speech with a plurality of speech engines* to allow the speech-based conversation to occur over the Internet network and the public switched telephone network;

Desai teaches,

- *recognizing speech and synthesizing speech with a plurality of speech engines* to allow the speech-based conversation to occur over the Internet network and the public switched telephone network; (Desai, para.1-255)

Desai discloses, *"These are a set of COM+components that encapsulate hardware devices and speech recognition engines. Once the applications are written using these interfaces, they can be ported easily from one hardware device to another or from one recognition engine to another by simply replacing the corresponding HeyAnita Speech Object"* (Desai, para.64). Hence, Desai teaches of multiple of speech engines (i.e., Applicants' plurality of speech engines that recognize speech and synthesize speech). Desai discloses, *"HeyAnita uses its proprietary technology and easy to use interface to create an informative and entertaining environment to attract and retain a large and loyal user base. In addition to its easily brandable name and concept, HeyAnita offers the most comprehensive array of voice enabled services and allows phone users to access the Internet in multiple languages. Appendix B sets forth some of the application features possible with the inventive HeyAnita system"* (Desai, para.50) and *"Multiple Language Support: HeyAnita Voice Platform has been designed to support international languages. Any application written on HeyAnita Voice Platform can be localized in any international language without any code*

changes" (Desai, para.60). Hence, Has implies the use of multiple speech

engines capable of distinguishing speech characteristics of different users in

different languages.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of

the invention was made to combine the teachings of Desai with the teachings of

Dunn and Has *"to provide a household appliance which overcomes the above-*

mentioned disadvantages of the heretofore-known appliances of this general type

and which provides a simple, reliable, and rapid speech-controlled operation for the

household appliance" (Has, col.2, lines 10-14) *"by allowing for seamless and*

effective integration of telephone services into cable networks and/or other

broadband networks" (Dunn, col.2, lines 11-13); through the use of a central

computer that includes an adapter containing ports for connecting to the Internet

through either the broadband network of the service provider or through the public

switched telephone network (PSTN). Desai discloses, *"The present invention relates*

to voice-based interactive user interfaces, particularly to interactive voice response

systems, and more particularly to interactive voice response systems for accessing

information from a computer network via remote telephony devices" (Desai, para.3).

However, Dunn, Has, and Desai do not explicitly teaches,

- *recognizing speech and <u>synthesizing speech</u> with a plurality of speech engines <u>to</u>*
  <u>allow the speech-based conversation to occur over the Internet network and the</u>
  <u>public switched telephone network;</u>

Vander Molen teaches,

- *recognizing speech and <u>synthesizing speech</u> with a plurality of speech engines <u>to</u>*
  <u>allow the speech-based conversation to occur over the Internet network and the</u>

public switched telephone network; (Vander Molen, col.2, lines 15-68; col.3, line

14 – col.4, line 47)

Vander Molen discloses, *"the basic components of the system comprise a*

speech recognition module 50, a speech synthesis module 52, a master control

microcomputer 53 and the appliance control system 56" (Vander Molen, col.4,

lines 2-6). Hence, Vander Molen teaches of a system that includes a speech

recognition module as well as a speech synthesis module.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of

the invention was made to combine the teachings of Vander Molen with the

teachings of Dunn and Has to provide a conversational voice command control

system *"household appliance which overcomes the above-mentioned disadvantages*

of the heretofore-known appliances of this general type and which provides a simple,

reliable, and rapid speech-controlled operation for the household appliance" (Has,

col.2, lines 10-14) *"by allowing for seamless and effective integration of telephone*

services into cable networks and/or other broadband networks" (Dunn, col.2, lines

11-13); through the use of a central computer that includes an adapter containing

ports for connecting to the Internet through either the broadband network of the

service provider or through the public switched telephone network (PSTN).

8.   With regard to *claims 2 and 28*, Dunn, Has, Desai, and Vander Molen disclose,

- *wherein a user connects to the computer in order to provide at least one home*

  appliance voice command, said computer further comprising:

  - *an appliance control software module that controls at least one appliance*

    based upon the user's voice command. (Dunn, col.2, lines 16-27, lines 32-42;

col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Desai, para.1-255; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)

9.   With regard to *claims 3 and 29*, Dunn, Has, Desai, and Vander Molen disclose,

- *wherein the user uses a wireless communication device to connect to the computer in order to provide the appliance voice command.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Desai, para.1-255; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)

10.   With regard to *claims 4-5*, Dunn, Has, Desai, and Vander Molen disclose,

- *wherein a user connects to the computer over the second connection port in order to provide at least one appliance voice command, said computer further comprising:*
  - *an appliance control software module that controls at least one appliance based upon the user's voice command received over the second connection port.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Desai, para.1-255; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)
- *wherein the user uses a plain telephone connected to the PSTN in order to provide the appliance voice command over the second connection port.* . (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has,

> col.1, line 15 – col.14, line 50; Desai, para.1-255; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)

11.   With regard to *claims 12-16*, Dunn, Has, Desai, and Vander Molen disclose,

- *wherein the computer operates within a residential home of a user.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Desai, para.1-255; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)

- *wherein the computer operates within SOHO environment.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Desai, para.1-255; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)

- *wherein the computer operates within a non-Internet Service Provider environment.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Desai, para.1-255; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)

- *wherein the first connection port provides for voice data over a VoIP channel.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Desai, para.1-255; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)

- *wherein the first connection port provides for voice data over a VoN channel.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Desai, para.1-255; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)

12.   <u>*Claims 6-11 and 30-32*</u> are rejected under 35 U.S.C. 103(a) as being unpatentable over

Dunn et al. (US005999612A), in view of Has et al. (US006230137B1), further in view of

Desai et al. (US 20030078779A1), further in view of Vander Molen (US004520576), and

further in view of Kurganov et al. (US006721705B2).

13.   With regard to <u>*claims 6 and 30*</u>, Dunn, Has, Desai, and Vander Molen disclose,

See *claims 1 and 27* rejection as detailed above.

However, Dunn, Has, Desai, and Vander Molen do not explicitly disclose,

- *a personal software application retrieval module that retrieves personal*

  information from a software application based upon the personal software

  application voice command of the user.

Kurganov teaches,

- *a personal software application retrieval module that retrieves personal*

  information from a software application based upon the personal software

  application voice command of the user. (Kurganov, col.2, lines 59-63; col.5, lines*

  48-53)

Kurganov teaches of a system that includes a database containing user profile

information to assist the system in searching and retrieving information according

to the user's voice commands.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of

the invention was made to combine the teachings of Kurganov with the teachings of

Dunn, Has, Desai, and Vander Molen to enhance the system by including a

database which contains user profile information to assist the system in searching
and retrieving information according to the user's voice commands.

14.   With regard to *claims 7-8 and 31-32,* Dunn, Has, Desai, Vander Molen, and Kurganov
disclose,

- *wherein the user uses a wireless communication device to connect to the*
  computer in order to provide the personal software application voice command.
  (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2;
  Has, col.1, line 15 – col.14, line 50; Desai, para.1-255; Vander Molen, col.2, lines
  15-68; col.3, line 14 – col.4, line 47; Kurganov, col.2, lines 59-63; col.5, lines 48-
  53)

- *wherein the software application is software selected from the group consisting of*
  personal information management software, financial software, electronic mail
  software, and combinations thereof. (Dunn, col.2, lines 16-27, lines 32-42; col.3,
  lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Desai,
  para.1-255; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47;
  Kurganov, col.2, lines 59-63; col.5, lines 48-53)

15.   With regard to *claims 9-11,* Dunn, Has, Desai, Vander Molen, and Kurganov disclose,

- *wherein a user connects to the computer over the second connection port in*
  order to provide at least one personal software application voice command,
  wherein the personal software application retrieval module controls at least one
  appliance based upon the user's voice command received over the second
  connection port. (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15,

> lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Desai, para.1-255; Vander
>
> Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47; Kurganov, col.2, lines 59-
>
> 63; col.5, lines 48-53)

- *wherein the user uses a plain telephone connected to the PSTN in order to*
  provide the appliance voice command over the second connection port. (Dunn,
  col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has,
  col.1, line 15 – col.14, line 50; Desai, para.1-255; Vander Molen, col.2, lines 15-
  68; col.3, line 14 – col.4, line 47; Kurganov, col.2, lines 59-63; col.5, lines 48-53)

- *wherein the software application is software selected from the group consisting of*
  personal information management software, financial software, electronic mail
  software, and combinations thereof. (Dunn, col.2, lines 16-27, lines 32-42; col.3,
  lines 53-56; col.15, lines 39-57; fig.2; Has, col.1, line 15 – col.14, line 50; Desai,
  para.1-255; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47;
  Kurganov, col.2, lines 59-63; col.5, lines 48-53)

16. <u>Claims 17-26 and 33-41</u> are rejected under 35 U.S.C. 103(a) as being unpatentable over
    Dunn et al. (US005999612A), in view of Has et al. (US006230137B1), further in view of
    Vander Molen (US004520576), and further in view of Ball et al. (US006600736B1).

17. With regard to <u>claims 17-26 and 33-41,</u> Dunn, Has, Desai, and Vander Molen disclose,
    See *claims 1 and 27* rejection as detailed above.
    However, Dunn, Has, Desai, and Vander Molen do not explicitly disclose,

- *a voice markup language management module connected to the Internet network in order to retrieve a voice markup language program to interact by a speech-based conversation with the user over the first and second connections.*

Ball teaches,

- *a voice markup language management module connected to the Internet network in order to retrieve a voice markup language program to interact by a speech-based conversation with the user over the first and second connections.* (Ball, col.14, lines 43-44)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Ball reference with Dunn, Has, Desai, and Vander Molen references to enhance the system by utilizing the voice markup language to format the information retrieved by the system at the user's voice command.

Response to Arguments

18. Applicant's arguments with respect to *claims 1 and 27* have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone can be reached on 571/272-3933. The fax phone numbers for the organization where

this application or proceeding is assigned are 571/273-8300 for regular communications

and 571/273-8300 for After Final communications.

/Thomas Duong/

Primary Examiner, Art Unit 2145

May 31, 2008